

REMARKS

Reconsideration and further prosecution of the above-identified application are respectfully requested in view of the RCE submitted herewith, the amendments, and the discussion that follows. Claims 1-20 are pending in this application. Claims 1, 2, 15 and 17 have been amended herein for the purpose of clarification. Claims 15-20 have been rejected under 35 U.S.C. §101 as directed to a non-statutory propagated carrier signal. Claims 15-20 have been rejected under 35 U.S.C. § 112, first paragraph as containing subject matter not described in the specification. Claims 1-4, 6, 8-13, and 15-19 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,978,247 to Bogart et al. ("Bogart") in view of Cunningham (U.S. Pat. No. 6,941,380). Claims 5, 7, 14 and 20 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Bogart and Cunningham in view of Sonesh, et al. ("Sonesh") (U.S. Patent No. 6,046,762). After a careful review of the claims as amended, it is believed that the claims are in allowable form and a Notice of Allowance is respectfully requested.


Claims 15-20 have been rejected as directed to a non-statutory propagated carrier signal, and as lacking proper description in the specification of being tangibly embodied in a computer readable medium. Claim 15 has been amended to clarify that the software is tangibly embodied in computer readable medium as described throughout the specification (e.g., p. 12, first paragraph "On the storage media associated with the conference controller, the operating system 326, the conference controller program code 324 and the associated table 322 are stored"). Therefore claims 15-20 are now believed to be in allowable form.

Claims 1-4, 6, 8-13, and 15-19 have been rejected as being obvious over Bogart and Cunningham. Bogart is directed to a multi media customer care center divided into three separate application layers. However, Bogart do not describe a bandwidth manager, estimating a

bandwidth requirement or selecting a media handler, based upon the lowest bandwidth load. The cited passages at Col 1, Line 54-Col 2, line 36 and Col 9, lines 22-59 do not describe a bandwidth manager but merely generally describe the various application layers. The independent claims 1, 8 and 15, as amended, claim a bandwidth manager that estimates a bandwidth requirement and uses it in selecting the media handler based upon a lowest bandwidth load (Claim 1) or the estimated bandwidth requirement (see e.g., p. 14, top paragraph). The Office Action concedes that estimating a bandwidth requirement and selecting a media handler based thereon is not disclosed by Bogart, but asserts that it is disclosed by Cunningham. Cunningham discloses a system for assigning bandwidth in a constrained topology ethernet network in which a bandwidth manager tracks the bandwidth of each link in the network and the bandwidth that has been reserved on each link. Cunningham, however, while concerned with the bandwidth of the channels of the ethernet network, does not disclose determining bandwidth of the customer contacts or media handlers. Further, Cunningham's bandwidth manager does not estimate a bandwidth requirement but only discloses that "the bandwidth calculator module 84 determines the amount of bandwidth that needs to be requested" (Col 8, lines 5-8). This does not disclose estimating the bandwidth requirement of the customer contact. Further, Cunningham does not disclose selecting a media handler based upon bandwidth limits or the lowest bandwidth load. Instead, it merely determines whether the channel has sufficient bandwidth to handle the requested reservation. This does not constitute selection of a media handler from a plurality of media handlers based upon media handler bandwidth availability or lowest media handler bandwidth load. Thus, these features are not disclosed by Bogart or Cunningham, or any other reference of record. Therefore, all independent claims 1, 8 and 15 are believed to distinguish over any combination of Bogart, Cunningham and Sonesh as are claims 2-7, 9-14 and 16-20 which are dependent upon allowable independent claims 1, 8 and 15.

As discussed above, claims 1-20 are in allowable form and are not anticipated or rendered obvious by any combination of the cited references. Therefore, allowance of all pending claims 1-20 is believed to be in order and such action is respectfully requested. Should the Examiner be of the opinion that a telephone conference would expedite prosecution of the subject application, he is respectfully requested to telephone applicant's undersigned attorney.

Respectfully submitted,


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